

IT IS SO ORDERED.



Dated: 10:03 AM March 22 2013

B13-00116

EAB\rjs

UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF OHIO

IN RE:	)	CHAPTER 13
	)	
SCOTT GABRIC	)	CASE NO. 12-53243
aka SCOTT P. GABRIC	)	
aka SCOTT PAUL GABRIC	)	JUDGE MARILYN SHEA-STONUM
	)	
Debtor	)	ORDER GRANTING MOTION OF HSBC
	)	BANK USA, NA, AS TRUSTEE FOR
	)	THE LMT 2006-7 TRUST FUND, ITS
	)	SUCCESSORS AND ASSIGNS FOR
	)	RELIEF FROM STAY
	)	[Docket #41]
	)	
	)	PROPERTY ADDRESS:
	)	** 156 Tarbell St
		Akron, Ohio 44303

This matter came before the Court on the Motion for Relief from Stay (the "Motion") filed by HSBC BANK USA, NA, AS TRUSTEE FOR THE LMT 2006-7 TRUST FUND, its successors and assigns ("Movant") [Docket #41]. Movant has alleged that good cause for

granting the Motion exists, and that Debtor, counsel for the Debtor, the Chapter 13 Trustee, and all other necessary parties were served with the Motion, and with notice of the hearing date on the Motion. No party filed a response or otherwise appeared in opposition to the Motion, or all responses have been withdrawn. For these reasons, it is appropriate to grant the relief requested.

IT IS, THEREFORE, ORDERED that the Motion is granted. The automatic stay imposed by § 362 of the Bankruptcy Code is terminated with respect to the Movant, its successors and assigns.

IT IS FURTHER ORDERED that the Chapter 13 Trustee shall discontinue all payments to Movant on its claim under the Chapter 13 Plan filed by the Debtor. Movant is directed to file a report of sale promptly following liquidation of the property 156 Tarbell St, Akron, Ohio 44303 (the "Collateral") if any excess proceeds are received. Should Movant seek to file any unsecured deficiency claim, Movant shall do so no later than 90 days after this Order is entered. If the Collateral has not been liquidated, the deficiency claim is to be estimated.

# # #

SUBMITTED BY:

/s/ Edward A. Bailey  
REIMER, ARNOVITZ, CHERNEK &  
JEFFREY CO., L.P.A.  
Edward A. Bailey #0068073  
Faye D. English #0075557  
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# EXHIBIT A

## Schedule A Legal Description

Situated in the City of Akron, County of Summit and State of Ohio:

And known as being part of Lots No. 3 and 4 in the Sprain Allotment of Lot No. 45 Ely Allotment being recorded in Plat Book 1, Page 26, Summit County Records and the Sprain Allotment of said Lot 46 being recorded in Plat Book 7, page 24, Summit County Records and more fully described as follows:

Beginning at an iron pipe in the Southerly line of Tarbell Street and Northerly line of said Lot No. 3, which is North 62° 12' 30" West along said lot line 46. 20 feet from an iron pipe at the Northeasterly corner of said lot:

Thence North 62° 12' 30" West along said street and lot line 37.71 feet to an iron pipe which is 4.41 feet beyond the Northeasterly corner of said Lot No. 4;

Thence South 27° 29' 30" West 77.40 feet to an iron pipe;

Thence South 69° 03' 30" East 19.14 feet to an iron pipe;

Thence South 82° 18' 30" East 20.13 feet to an iron pipe;

Thence North 27° 17' 10" East 68.19 feet to the place of beginning as surveyed December 17, 1941  
by S.G. Swigart and Son.



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AS 40.00

Kristen Scalise, Summit Co Fiscal Office

**LIST OF PARTIES TO BE SERVED:**

Via the Court's Electronic Case Filing System on these entities and individuals who are listed on the court's Electronic Mail Notice List:

1. Office of the U.S. Trustee at (registered address)@usdoj.gov
2. Keith Rucinski, on behalf of the Chapter 13 Trustee's office, at krucinski@ch13akron.com
3. William M Sremack, Esq., on behalf of Scott Gabric, Debtor, at wmsremackcolpa@sbcglobal.net
4. Edward A. Bailey, Esq., on behalf of Movant, at bknotice@reimerlaw.com

Served by mailing the same by ordinary U.S. mail, postage prepaid, to the persons listed below:

5. Scott Gabric, Debtor, at 633 Valmont Drive, Deerfield, Ohio 44411
6. Summit County Treasurer's Office, at Ohio Building - 175 S. Main Street, Suite 320, Akron, Ohio 44308
7. CitiMortgage, at PO Box 6243, Sioux Falls, SD 57117-6243